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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JOHN WESLEY HORN

7 Petitioner,

8 v.

9 MAGGIE MILLER STOUT,

10 Respondent.
11

Case No. C11-5055BHS

ORDER DENYING
APPLICATIONS TO
PROCEED IN FORMA
PAUPERIS ON APPEAL

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13 This matter comes before the court on Petitioner John Wesley Horn's ("Horn") motion to
14 proceed in forma pauperis on appeal. Dkt. 38. The Court has considered the pleadings filed in
15 support of the motion and the file herein.

16 On January 26, 2012, the Court denied Horn's petition and denied Horn a Certificate of
17 Appealability. Dkt. 35. On February 13, 2012, Horn filed a motion to proceed in forma pauperis
18 on appeal. Dkt. 38.

19 Pursuant to the Ninth Circuit's Local Rules, Horn must first file a motion for a Certificate
20 of Appealability with the Ninth Circuit because a certificate was denied by this Court. Circuit
21 Rule 22-1. If a certificate is issued, then the Circuit will determine whether Horn may proceed
22 with his appeal in forma pauperis. Therefore, Horn's motion is denied as premature.

23 **IT IS SO ORDERED**

24 DATED this 27th day of February, 2012.

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27 BENJAMIN H. SETTLE
28 United States District Judge